

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Charles Alonzo Yancy,

Plaintiff

v.

United States of America,

Defendant

2:12-cr-00300-JAD-GWF-1

**Order Granting Motion to Reconsider
and Vacating Order**

[ECF Nos. 44, 45]

On April 18, 2016, the Supreme Court in *Welch v. United States* held that its decision last term in *Johnson v. United States*, in which the Court held that the Armed Career Criminal Act's residual clause void for vagueness, announced a substantive rule that applies retroactively on collateral review.¹ Nine days later, this court amended general order 2015-03 and appointed the Office of the Federal Public Defender (FPD) to determine whether certain defendants identified by the United States Sentencing Commission are eligible for resentencing in light of *Johnson*. Amended order 2015-03 also states that, if the FPD determines a defendant may be entitled to relief under *Johnson*, the FPD has until June 26, 2016, to file an abridged § 2255 on his behalf and until December 26, 2016, to file a supplemental motion fully briefing the issues presented in the abridged motion.

On June 6, 2016, I denied Yancy's pro se motion to vacate.² Yancy, who is now represented by the FPD, has filed a motion for emergency reconsideration of that order.³ The record reflects that the FPD entered a notice of appearance in this case on May 18, 2016—six days after Yancy's pro se § 2255 motion was filed.⁴ Counsel represents that she entered a notice of appearance on Yancy's

¹ *Welch v. United States*, 136 S.Ct. 1257 (2016).

² ECF No. 44.

³ ECF No. 45.

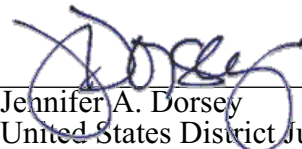
⁴ ECF No. 43.

1 behalf after reviewing his file and determining that he may be eligible for relief under *Johnson*, and
2 that she is in the process of preparing his supplemental motion and supplemental brief and plans to
3 file the supplemental motion by the June 26, 2016, deadline. Based on counsel's appearance on
4 Yancy's behalf, I find that good cause exists to reconsider my denial of Yancy's motion to vacate his
5 sentence, and I vacate my previous order.

6 **Conclusion**

7 Accordingly, IT IS HEREBY ORDERED that my June 6, 2016, order denying Yancy's
8 motion to vacate sentence is VACATED.

9 Dated this 14th day of June, 2016.

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11 Jennifer A. Dorsey
12 United States District Judge
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